

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 740

IN THE MATTER OF:

Served September 29, 1967

D. C. TRANSIT SYSTEM, INC., )

Formal Complaint No. 19

Complainant )

v. )

HARRY LEE EYRE, JR., )

Respondent. )

D. C. Transit System, Inc., (hereafter complainant) filed a formal complaint against Harry Lee Eyre, Jr., (hereafter respondent), alleging that respondent is performing transportation for hire in charter operations from points in Montgomery County, Maryland, including Damascus, Darnestown, and Laytonsville, to other points in the Metropolitan District, including Suitland and the District of Columbia, without a certificate of public convenience and necessity from this Commission, as required by Section 1(a) and Section 4(a) of Article XII of the Compact.

In reply, respondent asserts that he holds no operating authority from this Commission; that he has discontinued the transportation complained of; that he now operates pursuant only to his certificate (MC-116212) from the I.C.C. which authorizes the transportation of passengers and their baggage -- including musical instruments when accompanied by their owners -- in charter or special operations beginning and ending at Woodbine, Carroll County, Maryland and points

within ten miles of Woodbine and extending to points in Pennsylvania and the District of Columbia; that he has failed to comply with the Compact because he was uninformed as to the jurisdiction of the Washington Metropolitan Area Transit Commission; and that he intends to file an appropriate application for such authority.

Thereafter, the complainant filed a motion requesting the issuance of a cease and desist order.

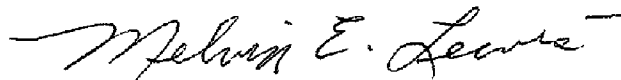
As indicated above, respondent's pleading acknowledges the fact that he has not operated in compliance with the Compact; however, respondent's pleading further indicates that he is at this time cognizant of the Compact and its pertinent provisions, that is, Article XII, Sections 20(a)(2) and 4(a).

Based upon the above facts and findings, the Commission is of the opinion that respondent has voluntarily discontinued all unauthorized transportation and is no longer engaged in transportation between points within the Metropolitan District. Respondent is, moreover, now aware of the statutory provisions of the Compact, and has indicated that he will conform thereto. Accordingly, in our opinion a cease and desist order is not warranted, at least in the present circumstances. The Commission concludes that the motion of complainant should be denied and the complaint dismissed.

THEREFORE, IT IS ORDERED:

1. That the motion of D. C. Transit System, Inc., for a cease and desist order be, and it is hereby, denied.
2. That the complaint of D. C. Transit System, Inc., against Harry Lee Eyre, Jr., be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS  
Executive Director